

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
)
Plaintiff,) 4:10CR3113
)
V.)
)
JOSE A. ESPINOZA,) MEMORANDUM
)
)
Defendant.) AND ORDER
)

After careful review,

IT IS ORDERED that:

- (1) The defendant's § 2255 motion (filing no. 146) under the *Johnson* case is denied for among reasons because the sentence(s) for the offense(s) of conviction were not based upon the statutory or Guidelines residual clause.
- (2) Judgment will be entered by separate document.
- (3) A certificate of appealability is denied.

Dated June 30, 2016.

BY THE COURT:

s/ *Richard G. Kopf*
Senior United States District Judge